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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/675,665	07/03/96	VAN DER HOOFDEN J	PHN-15.364

MM21/0217

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EXAMINER	
SHINGLETON, M	18
ART UNIT	**PAPER NUMBER**
2817	

DATE MAILED: 02/17/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.	Applicant(s)
08-675,661	Hoofde
Examiner	**Group Art Unit**
SHINGLETON	2817

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE Three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication .
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

☐ Responsive to communication(s) filed on _____.

☒ This action is **FINAL.**

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

☒ Claim(s) 1, 2 & 4-7 is/are pending in the application.

Of the above claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1, 2 & 4-7 is/are rejected.

☒ Claim(s) 7 is/are objected to.

☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 11 9(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 1 7.2(a)).

*Certified copies not received: _____.

Attachment(s)

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of References Cited, PTO-892

☐ Notice of Informal Patent Application, PTO-152

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Other _____

Office Action Summary

Claims 1, 2, and 4-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant added by amendment the terminology "said secondary circuit through" which lacks proper antecedent basis.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 2 and 4-6 in so far as understood are rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens in view of Tap.

Stevens discloses the basic arrangement of the present invention. This includes a DC to DC converter that "generates" a second DC voltage from the first DC voltage. This DC-DC converter has a switching element and a control circuit that controls the switching element at "high" frequency. There is also a "means II"(Now called a "second circuit".) i.e. just a plain old conventional inverter that powers a lamp. How Stevens differs involves the specific arrangement of the DC source.

Tap discloses a specific arrangement of the DC source such that the first DC source, i.e. the battery is added to the "means I" (Now called a "first circuit".) that includes a transformer

and this supplies the output load. (Note that some of the power from the battery is transferred directly to the load without passing through the transformer.). The great advantage to adding the first DC source to the second involves the protection of such a circuit during a no load condition. With lamp circuits no load conditions are common. People have been known to remove lamps with the power still on. Also lamps have been known to break which provides a no-load condition. By unloading the inverter the DC source also becomes un-loaded presenting a dangerous condition to the converter as recognized by Tap.

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a DC source that adds the battery or first DC source voltage to the one that generates its DC voltage from the first DC source so as to protect against a no-load condition.

Applicant recites a "high-pressure discharge lamp" is employed. Stevens does not recite how much pressure are in his lamps. However, how "high" is "high"? Because of this and the fact that applicant does not set forth a range of pressures the pressure in Stevens lamps are seen being every much as high as that of applicant's. In any case, Stevens does recite that high intensity lamps are employed and it is well known that these have a higher pressure than your typical fluorescent lamp. Thus if applicant meant a lamp that has a higher pressure than the typical fluorescent lamp then clearly Stevens has such. If not given that Stevens discloses that an

inverter can power a wide range of lamps, the use of a "high pressure" lamp clearly would have been obvious to one of ordinary skill for it would only be part of the workable range for that of Stevens.

Applicant also recites a "fly-back" arrangement for the DC-DC converter. Tap is seen as having such. However, fly-back arrangements for DC-DC converters are very conventional and conventional in the art. They are art recognized equivalents. As such the employment of such would have been obvious to one of ordinary skill in the art at the time the invention was made.

Applicant's arguments filed 11-24-1998 have been fully considered but they are not persuasive.

Applicant has not added any further structural limiations to claim 1, applicant just added to the functional wherein statement provided at the end of the claim. Such statements are clearly present in the prior art contrary to applicant's beliefs.

Claim 7 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The prior art fails to show a cathode of a DC main source directly connected to the secondary winding.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-0956. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Michael Shingleton whose telephone number is (703) 308-4903.

Shingleton
February 27, 1998
August 17, 1998
Feb 12, 1999

MICHAEL B SHINGLETON
PRIMARY EXAMINER
GROUP ART UNIT 2817